

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-24 are pending. Claims 1-3, 6, 7, 10-15 and 17-20, which are independent, are hereby amended. No new matter has been introduced. Support for this amendment can be found throughout the Specification as originally filed and specifically on pages 45-47. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-24 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over WO 99/01984 to Maissel, et al. (hereinafter, merely "Maissel") in view of U.S. Patent No. 5,559,549 to Hendricks, et al. (hereinafter, merely "Hendricks").

Claim 1 recites, *inter alia*:

"A transmitting apparatus for providing digital content...

**wherein use history information of meta information is periodically received from the receiving apparatus;**

**wherein attributes, whose applied frequencies are low as indicated by the use history information are deleted from said meta information schema**" (Emphasis added)

As understood by Applicants, Maissel relates to a subscriber unit for use in a television system including a television network and transmitting apparatus for transmitting program schedule information, the subscriber unit including a receiving unit for receiving the program schedule information.

As understood by Applicants, Hendricks relates to an expanded television program delivery system which allows viewers to select television and audio program choices from a series of menus. A combined signal is transmitted over satellite to a cable headend, which may modify the combined signal for changes or additions in programming or menu content. The combined or modified signal is subsequently distributed to individual set top terminals in the cable network. Menus are partially stored in a set top terminal in each subscribers home and may be reprogrammed by signals sent from the operations center or headend.

Applicants submit that Maissel and Hendricks, taken either alone or in combination, fail to teach or suggest the above-identified features of claim 1. Specifically, there is no teaching or suggestion of a transmitting apparatus **wherein use history information of meta information is periodically received from the receiving apparatus and wherein attributes, whose applied frequencies are low as indicated by the use history information are deleted from said meta information schema**, as recited in independent claim 1.

Therefore, Applicants respectfully submit that independent claim 1 is patentable.

Independent claims 2, 3, 6, 7, 10-15 and 17-20 are similar in scope and are patentable for similar reasons.

### III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### CONCLUSION

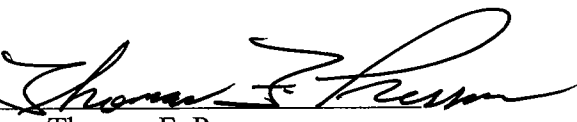
In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference or references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By   
Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800